

RALPH W. ROBINSON (SBN 51436)
 RONALD S. BUSHNER (SBN 98352)
 CHRISTINE STARKIE (SBN 226354)
 ANNTIM J. VULCHEV (SBN 232166)
 WILSON, ELSER, MOSKOWITZ,
 EDELMAN & DICKER LLP
 650 California Street, 14th Floor
 San Francisco, CA 94108-2718
 Telephone: (415) 433-0990
 Facsimile: (415) 434-1370

Attorneys for Defendants,
 GOODYEAR DUNLOP TIRES NORTH AMERICA, LTD.,
 erroneously named herein as GOODYEAR DUNLOP TIRES
 NORTH AMERICA, LTD., LLC

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Mark R Ciabattari, and all other persons
 similarly situated,

Plaintiffs,

vs.

Toyota Motor Sales, U.S.A., Inc., a California
 corporation, et al,

Defendants.

Case No. C-05-04289 SC

FOURTH STIPULATION CONTINUING
 DEFENDANT GOODYEAR DUNLOP TIRES
 NORTH AMERICA, LTD'S MOTION TO
 DISMISS OR, ALTERNATIVELY, TO
 STRIKE PORTIONS OF THE PLAINTIFF'S
 COMPLAINT, DEFENDANT TOYOTA
 MOTOR SALES, U.S.A., INC.'S MOTION TO
 DISMISS, AND PLAINTIFF'S MOTION TO
 REMAND THIS ACTION TO THE
 SUPERIOR COURT;
 [PROPOSED] ORDER

Whereas, defendant Goodyear Dunlop Tires North America, Ltd. has pending a motion to
 dismiss or, alternatively, to strike portions of the plaintiff's complaint;

Whereas, defendant Toyota Motor Sales, U.S.A., Inc. has pending a motion to dismiss
 this action;

Whereas, plaintiff has pending a motion to remand this action to the Superior Court;

1 Whereas, memoranda in opposition to each of these motions has been filed;

2 Whereas, there have been three previous stipulations to continue the hearing date for
3 these motions;

4 Whereas, each of these motions is currently set to be heard on June 16, 2006;

5
6 Whereas, currently the last day to meet and confer re initial disclosures, early settlement,
7 ADR process selection and discovery plan and to file Joint ADR Certification with Stipulation to
8 ADR process or Notice of Need for ADR Phone Conference is June 23, 2006;

9 Whereas, the last day to serve initial disclosures or state any objection to Rule 26(f)
10 Reports, to file the Case Management Statement, and to file Rule 26(f) Reports is June 30, 2006

11 Whereas, the Case Management Conference is currently set for July 7, 2006

12
13 Whereas, on February 8, 2006, plaintiff joined with plaintiffs in similar class actions
14 pending in federal district courts in Connecticut, New York, New Jersey, Illinois and Florida
15 filed a motion to have all the cases transferred to a single district court and coordinated and
16 consolidated for pretrial purposes under 28 U.S.C. § 1407;

17 Whereas, on March 15, 2006 and May 22, 2006, counsel for the plaintiffs in this and in
18 the Connecticut, New York, New Jersey, Illinois and Florida actions met with counsel for each
19 of the defendants in San Francisco to discuss a nationwide settlement;

20
21 Whereas, the parties believe that they have reached a settlement, which is currently being
22 finalized;

23 IT IS HEREBY STIPULATED, by and between counsel, that the pending motions may
24 be continued to Friday, August 25, 2006 at 10:00 AM, and that the parties' respective reply
25 memoranda shall filed and served 14 days before the hearing date.

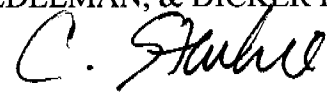
26 IT IS FURTHER STIPULATED that the last day to meet and confer re initial
27 disclosures, early settlement, ADR process selection, and discovery plan shall be September 1,
28

2006; the last day to file Joint ADR Certification with Stipulation to ADR process or Notice of
Need for ADR Phone Conference shall be September 1, 2006;

IT IS FURTHER STIPULATED that the last day to serve initial disclosures or state any
objection to the Rule 26(f) Report, to file the Case Management Statement, and to file the Rule
26(f) Report shall be September 8, 2006; and

IT IS FURTHER STIPULATED that the Case Management Conference shall be held on
either Friday, September 15, 2006, at 10:00 AM or such date thereafter as may be convenient to
the Court.

Dated: May 24, 2006 WILSON, ELSER, MOSKOWITZ, EDELMAN, & DICKER LLP

By /s/ Christine Starkie 
Christine Starkie
Attorney for Defendant Goodyear Dunlop
Tires North America, Ltd.

Dated: May 24, 2006 KEMNITZER, ANDERSON, BARRON & OGILVIE LLP

By /s/ Mark F Anderson
Mark F Anderson
Attorney for Plaintiff & the Class

Dated: May 24, 2006 O'MELVENY & MYERS LLP

By /s/ Thomas M Riordan
Thomas M Riordan

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IT IS FURTHER STIPULATED that the last day to serve initial disclosures or state any
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the Court.

Dated: May 24, 2006 WILSON, ELSER, MOSKOWITZ, EDELMAN, & DICKER LLP

By /s/ Christine Starkie
Christine Starkie
Attorney for Defendant Goodyear Dunlop
Tires North America, Ltd.

Dated: May 24, 2006 KEMNITZER, ANDERSON, BARRON & OGILVIE LLP

By /s/ Mark F Anderson
Mark F Anderson
Attorney for Plaintiff & the Class

Dated: May 24, 2006 O'MELVENY & MYERS LLP

By /s/ Thomas M Riordan
Thomas M Riordan

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Case No. C-05-04289 SC

~~PROPOSED~~ ORDER CONTINUING
MOTION HEARINGS AND CASE
SCHEDULE

Based upon the parties' stipulation and for good cause shown, the hearing on the motions referenced above shall be continued to Friday, August 25, 2006, at 10:00 AM; the last date to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan shall be September 1, 2006; the last day to file Joint ADR Certification with Stipulation to ADR process or Notice of Need for ADR Phone Conference shall be September 1, 2006; the last day to serve initial disclosures or state objection to Rule 26(f) Report, to file the Case Management Statement, and to file the Rule 26(f) Report shall be September 8, 2006; and the Case Management Conference shall be held on ~~September 15, 2006~~.

September 22, 2006 at 10:00 a.m.

Dated: May 30, 2006

United States



[PROPOSED] ORDER CONTINUING MOTION HEARINGS AND CASE SCHEDULE